

NO. **83-869**

Office - Supreme Court, U.S.

FILED

NOV 15 1983

ALEXANDER L. STEVENS
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1983

DANIEL AVERY TEAT

Petitioner

versus

STATE OF LOUISIANA

Respondent

PETITION FOR WRIT OF CERTIORARI
TO THE LOUISIANA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

NORMAN L. WILLIAMS

AND

MARK A. DELPHIN

203 W. Clarence Street

Post Office Drawer 3265

Lake Charles, Louisiana 70602

Telephone: (318) 439-2731

QUESTIONS PRESENTED

I.

When the State is aware that a defendant is represented by counsel, should that counsel be notified that his client's case is being taken before a Grand Jury? Does the prosecutor have a duty to make some effort to present favorable or exculpatory evidence to the Grand Jury? Is an accused entitled to a fair and unbiased Grand Jury?

II.

DOES a defendant who has pled Not Guilty and Not Guilty by Reason of Insanity have a constitutional right to a bifurcated trial on the separate issues of sanity and of guilt?

TABLE OF CONTENTS

	Page
Questions Presented	i
Table of Citations	iv
Opinions Below	1
Jurisdictional Statement	1
Constitutional Provisions Involved	2
Statement of the Case	3
Facts	4
Argument	5
I. When the State is aware that a defendant is represented by counsel, should that counsel be notified that his client's case is being taken before a Grand Jury? Does the prosecutor have a duty to make some effort to present favorable or exculpatory evidence to the Grand Jury? Is an accused entitled to a fair and unbiased Grand Jury?	5
II. Does a defendant who has pled Not Guilty and Not Guilty by Reason of Insanity have a constitutional right to a bifurcated trial on the separate issues of sanity and guilt?	8
Conclusion	12

TABLE OF CONTENTS (Continued)

Page

Certificate	13
-------------------	----

APPENDIX:

a. Ruling of Louisiana Supreme Court	A-1
b. Ruling of Third Circuit Court of Appeal	A-2
c. Exhibit "A" - Report of Dr. Blackburn ...	A-3 - A-7
d. Exhibit "B" - Report of Dr. Nesom	A-10
e. Letter of Carolyn D. Deshotels	A-15
f. Minutes of Court	A-16 - A-29
g. Motion to Quash Grand Jury Indictment	A-30 - A-32
h. Motion for Bifurcated Trial on the Issues of Not Guilty and Not Guilty by Reason of Insanity	A-33 - A-35

TABLE OF CITATIONS

Page

Cases:

<i>Burger v. California</i> , 393 U.S. 314, 89 S.Ct. 540 (1969)	10
<i>Chambers v. Mississippi</i> , 410 U.S. 284, 93 S.Ct. 1038 (1973)	9
<i>Commonwealth v. Favulli</i> , 224 NE 2d 422 (Mass., 1967)	7
<i>Costello v. U.S.</i> , 350 U.S. 359, 76 S.Ct. 406 (1956)	7
<i>Houston v. State</i> , 602 P. 2d 784 (Aka., 1979)	10
<i>Johnson v. Superior Court of San Joaquin County</i> , 124 Cal.Rptr. 32 (Ca., 1975)	6
<i>St. ex. rel. LaFollette v. Ruskin</i> , 150 NW 2d 318 (Wis., 1967)	10
<i>State v. Joao</i> , 491, P.2d 1089 (Haw., 1971)	7

OTHER AUTHORITIES:

Louisiana Code of Criminal Procedure Article 382	4
Louisiana Code of Criminal Procedure Article 652	8
Louisiana Code of Criminal Procedure Article 701	4
Louisiana Constitution of 1974, Article 1, Section 13	4

1
NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

DANIEL AVERY TEAT

Petitioner

verses

STATE OF LOUISIANA

Respondent

PETITION FOR A WRIT OF CERTIORARI
TO THE LOUISIANA SUPREME COURT

OPINIONS BELOW

There is no formal opinion of the 33rd Judicial District Court for the Parish of Allen, State of Louisiana, however, the minutes entries which reflect said Court's ruling are set forth in the Appendix at Pages A-16 - A-29. The rulings of the Louisiana Third Circuit Court of Appeal and the Louisiana Supreme Court are set forth in the Appendix at Pages A-2, A-1, respectively.

JURISDICTIONAL STATEMENT

The petitioner filed in the District Court a Motion for Bifurcated Trial on the Issues of Not Guilty and Not Guilty by Reason of Insanity and a Motion to Quash Grand Jury

Indictment, which motions were denied by the District Court on May 20, 1983 and May 26, 1983, respectively. On or about June 2, 1983, petitioner filed an Application for Writ of Certiorari with the Louisiana Third Circuit Court of Appeal, which application was denied on August 30, 1983. Petitioner then filed an Application for Writs of Certiorari with the Louisiana Supreme Court on or about September 7, 1983, which application was denied on September 16, 1983. The jurisdiction on this matter is conferred on this Court by 28 U.S.C. Section 1257(3) in that Louisiana law does not insure that a defendant is entitled to notice that his case will be presented to the Grand Jury, nor does state law provide for a bifurcated trial on the separate issues of guilt and sanity when one has entered a plea of Not Guilty and Not Guilty by Reason of Insanity.

CONSTITUTIONAL PROVISIONS INVOLVED

This case involves the Fourteenth Amendment to the United States Constitution which provides in part:

"No State shall . . . deprive any person of life, liberty or property, without due process of law. . ."

It further involves the Fifth Amendment to the United States Constitution which provides in part:

"No person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury..."

It further involves the Sixth Amendment to the United States Constitution which provides in part:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury. . ."

STATEMENT OF THE CASE

Petitioner, DANIEL AVERY TEAT, charged with Second Degree Murder, LSA-R.S. 14:30.1, filed the following pre-trial motions, amongst others, in the District Court:

1. Motion to Quash Grand Jury Indictment; and,
2. Motion for Bifurcated Trial on the Issues of Not Guilty and Not Guilty by Reason of Insanity.

All of the above motions were heard by the Court on May 20, 1983. The Trial Court summarily denied the Motion for Bifurcated Trial, but took the Motion to Quash under advisement until May 26, 1983, at which time this motion was also denied.

On June 2, 1983, petitioner, DANIEL AVERY TEAT, filed an Application for Writs of Certiorari in the Louisiana Third Circuit Court of Appeal challenging the Trial Court's ruling. Two months later on August 30, 1983, the Third Circuit denied writs. Petitioner then filed an Application for Writ of Certiorari with the Louisiana Supreme Court on September 8, 1983. This application too was denied on or about September 16, 1983. This application followed.

FACTS

On the 19th day of November, 1982, the State of Louisiana, by *Bill of Information*, charged petitioner, DANIEL AVERY TEAT, with Second Degree Murder allegedly committed on November 7, 1982. To this charge, petitioner entered a plea of Not Guilty and Not Guilty by Reason of Insanity on or about November 19, 1982.

On the 3rd day of March, 1983, petitioner moved for his release under Louisiana Code of Criminal Procedure, Section 701, claiming that he had been confined in custody in excess of sixty (60) days and had not been timely charged by Grand Jury Indictment. Once the Motion to Release had been filed, the State, obviously in a rush to correct the failure to properly indict for a crime punishable by life imprisonment, which under Louisiana Law, must necessarily be instituted by Grand Jury Indictment (*Louisiana Constitution of 1974*, Article I, Section 13, and Louisiana Code of Criminal Procedure, Section 382,) took Mr. Teat's case before the Allen Parish Grand Jury which returned a True Bill against your petitioner on March 17, 1983. Notwithstanding the fact that the State was well aware that Mr. Teat was represented by Norman L. Williams, Attorney at Law, who had appeared in Court at least six (6) times with Mr. Teat, the State failed and/or arbitrarily and capriciously refused to grant any notice whatsoever to defense counsel that his client's case was to be taken to the Grand Jury.

After learning that Mr. Teat had been indicted, the defense moved to quash the indictment claiming that the indictment was defective due to the fact that the failure to notify the defense counsel deprived defendant of the opportunity to present favorable or exculpatory evidence to the Grand Jury. The defense also urged that the indictment

should be quashed on the further ground that the State failed to make a diligent effort to present favorable or exculpatory evidence to the Grand Jury, thereby excluding the possibility that a True Bill of a lesser crime may have been returned, or a No True Bill.

In order to fully protect his rights, petitioner also moved that he be granted a bifurcated trial on the issues of guilty and sanity. Both motions were in due course denied by the Trial Court.

ARGUMENT

I.

WHEN THE STATE IS AWARE THAT A DEFENDANT IS REPRESENTED BY COUNSEL, SHOULD THAT COUNSEL BE NOTIFIED THAT HIS CLIENT'S CASE IS BEING TAKEN BEFORE A GRAND JURY? DOES A PROSECUTOR HAVE A DUTY TO MAKE SOME EFFORT TO PRESENT FAVORABLE OR EXCULPATORY EVIDENCE TO THE GRAND JURY? IS AN ACCUSED ENTITLED TO A FAIR AND UNBAISED GRAND JURY?

The real issue presented by this assignment of error is whether the Grand Jury is functionally indistinguishable from a prosecutor's *Bill of Information*.

As noted in the Statement of Facts, the prosecutor brought Mr. Teat's case before the Grand Jury some four (4) months after he was taken into custody, and at least after some six (6) court appearances by his Attorney, Norman L. Williams. There can be no question but that the State was well aware that Mr. Teat was represented by counsel. Notwithstanding this fact, Mr. Teat's case was brought to the Grand Jury without any notice whatsoever

being given to defense counsel, thereby depriving counsel or defendant of any opportunity to present exculpatory evidence, if not to the Grand Jury itself, but to the prosecutor, who, in turn could have presented same to the Grand Jury.

The fact that the Fourteenth Amendment of the United States Constitution grants the right of due process to every American citizen disallows the decision of the Grand Jury to be improperly influenced by the prosecutor. Otherwise, for all practical purposes, the Grand Jury Indictment will be rendered functionally indistinguishable from a District Attorney's information which may be filed on the prosecutor's own initiative, a result apparently contrary to the very evident intent of the framers of the United States Constitution, who clearly set forth in the Fifth Amendment that "No person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment of a Grand Jury. . ."

There is little question that a prosecutor has a duty to present exculpatory evidence to the Grand Jury. Consider the leading case of *Johnson v. Superior Court of San Joaquin County*, 124 Cal. Rptr. 32 (Ca., 1975). In *Johnson*, the defendant's testimony at a preliminary hearing led a magistrate to dismiss the charges against him. The State later brought the identical charges to the Grand Jury, but did not inform the Grand Jury of the defendant's prior testimony, Johnson sought to quash the indictment claiming that the District Attorney had an implied duty to disclose favorable information to the Grand Jury. The California Supreme Court agreed, confirming that when a prosecutor is aware of exculpatory material, he is under a duty to present such materials to the Grand Jury.

Consider the following from cases dealing with this question:

"(W)here the indictment mechanism is employed, it must be through a grand jury which is not only 'legally constituted,' but also 'unbiased'. " *State v. Joao*, 491, P.2d 1089 (Haw., 1971).

"At least two Courts have held that the requirement that an indictment be returned by an unprejudiced grand jury, emanates from the due process clause of the Fourteenth Amendment to the United States Constitution." *Constello v. U.S.*, 350 U.S. 359, 76 S.Ct. 406 (1956), citing *State v. Good*, 460 P.2d 662 (1969), *U.S. v. Whitted*, 325 F.Supp. 520 (D. Neb., 1971).

"A tendency to prejudice may be presumed when in presenting cases to the grand jury, the trial court finds that the prosecutor or his deputies have engaged in words or conduct that will invade the province of the grand jury or tend to induce action other than that which the jurors in their uninfluenced judgment deemed warranted on the evidence fairly presented before them." *Commonwealth v. Favulli*, 224 NE 2d 422 (Mass., 1967).

If a defendant has a right to a fair and unbiased Grand Jury and if the prosecutor is required to present favorable evidence to the Grand Jury, justice would dictate that at the very least, a defendant represented by counsel is entitled to notice that the case will be taken to the Grand Jury in order to allow counsel an opportunity to present favorable evidence, if not to the Grand Jury itself, then to

the prosecutor who may in turn present same to the Grand Jury.

II.

DOES A DEFENDANT WHO HAS PLED NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY HAVE A CONSTITUTIONAL RIGHT TO A BIFURCATED TRIAL ON THE SEPARATE ISSUES OF SANITY AND OF GUILT?

This issue raises an apparent *res nova* question of law for this Court as none of this Court's cases have been found directly touching on this issue, although this issue has been raised in the Supreme Courts of several states.

The concise issue is whether a defendant who has pled Not Guilty, and Not Guilty by Reason of Insanity, is deprived of substantial constitutional rights if he is forced to defend himself on the issue of his not being guilty because of the State's failure to prove its case beyond a reasonable doubt, and if he is forced to present evidence where he has the burden of proving the fact that he is not guilty by a preponderance of the evidence because of insanity in the same proceeding as required by Louisiana Code of Criminal Procedure, Article 652.¹ It is contended that these mutually exclusive defenses deprive a citizen of his right to due process, the right to prepare and present a defense, and the right to a fair trial.

The State cannot contend that the defenses of not guilty

¹ La.C.Cr.P. Section 652 provides:

"The defendant has the burden of establishing the defense of insanity at the time of the offense by a preponderance of the evidence."

and not guilty by reason of insanity raised in the same proceeding are not mutually exclusive. It is easy to see that when a defendant is forced to present the necessary evidence to prove his lack of sanity, this *shield* which he relies upon to protect himself from criminal responsibility, becomes a *sword* which serves to impale him on the issue of his factual guilt. If trial counsel is forced to talk out both sides of his mouth at the same time, i.e., tell the jury that his client did not commit the crime, or that the State failed to prove such guilt beyond a reasonable doubt, but at the same time, argue that if his client did commit the crime, he was insane, he will lose his credibility with the jury, and, if he is lucky, the jury may consider the sole issue of his client's insanity.

Directly on point is the Fourteenth Amendment which provides that:

"No state shall . . . deprive a person of life, liberty or property without due process of law . . ."

and the Sixth Amendment which provides that:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury. . ."

If these constitutional provisions mean anything at all, it would appear to encompass a situation such as in this case where a defense on the issue of factual guilt is chilled by the presentation of a defense of lack of criminal responsibility. In this vein, consider *Chambers v. Mississippi*, 410 U.S. 284, 93 S.Ct. 1038 (1973), which specifically held that "the right of an accused in a criminal trial to due process is, in essence, the right to a fair opportunity to defend

against the State's accusations," and that technical rules cannot abridge a defendant's right to due process. *Burger v. California*, 393 U.S. 314, 89 S.Ct. 540 (1969), holds that the denial or significant diminution of the right to prepare and present a defense calls into question the "integrity of the fact finding process" and requires that the competing interests be closely examined.

The competing interests in this case are: a) The States' interests in having only one trial, the expenses related thereto, and judicial efficiency, as opposed to; b) the right of a defendant to a fair trial and the right to due process of law.

Courts from other jurisdictions faced with this issue have recognized that there are many instances where the lack of a bifurcated trial deprives a defendant of substantial constitutional rights. Consider *St. ex. rel. LaFollette v. Ruskin*, 150 NW 2d 318 (Wis. 1967), where the defendant who pled Not Guilty and Not Guilty by Reason of Insanity was subjected to a compulsory mental examination wherein he made statements inculcating himself on the issue of factual guilt. The Court, ruling that such statements could be used against the defendant only on the issue of sanity and not of guilt, held that such statements made to a medical expert considering the guilt issue are too prejudicial to be cured in a realistic sense by instructions, most of which are oftentimes not fully heard or understood by the jury.

Houston v. State, 602 P.2d 784 (Aka., 1979) holds that "a sound exercise of the Trial Court's discretion will ordinarily result in bifurcation whenever a defendant shows that he has a substantial insanity defense and a substantial defense to the merits to any element of the charge, either of which could be prejudiced by the simultaneous presentation with the other." An example of this issue in the Teat case is in-

herent in the report of Dr. Blackburn, a psychiatrist, attached hereto and marked Exhibit "A". See also Exhibit "B", the report of Dr. Herbert Nesom, a member of the Sanity Commission who examined Mr. Teat on March 29, 1983. Note that Dr. Nesom's prognosis of Mr. Teat is reported as being "poor" and that it was not felt that Mr. Teat was mentally capable of detecting misstatements of witnesses, or that he is capable of even testifying in his own defense. There is no doubt that the defense of lack of sanity in this case is substantial.²

There are two problems with forcing a defendant to show that he has a substantial defense on the issue of guilt and a substantial insanity defense. First of all, a defendant enjoys the presumption of innocence and has the right to put the State to its proof. Secondly, if a defendant is required to make such a showing, he is forced to reveal his entire case to the prosecution before trial. It is unfair to require a citizen to expose his whole case to the State in an attempt to have his future determined by an unprejudiced, inexperienced, less than knowledgeable trier of fact.

This issue of whether an accused should be entitled to a bifurcated trial on the separate issues of sanity and of guilt is not complicated, nor is lengthy citation of authority required. Any lawyer who has ever defended an accused or any Judge who has ever presided over a case where a plea of insanity has been raised, knows full well the difficulties of arguing "in the alternative" to a jury. Petitioner suggests that this Honorable Court will find it very difficult ruling that a defendant who must present inconsistent defenses at trial is not deprived of substantial rights. While

² As shown by the attached letter from Carolyn D. Deshotels, Deputy Clerk of Court, please note that the report of Dr. Nesom was not made available to the defense until October 31, 1983.

we realize that we are asking the Court to hold the State to an additional burden, we suggest that the reason behind the United States Constitution is to insure that a citizen's rights do not give way to any increase administrative difficulty on behalf of the State government which would seek to incarcerate him for life imprisonment at hard labor. Please keep in mind that not too many years have passed since the State was faced with the burden of providing an indigent defendant with counsel or providing juries to determine one's innocence or guilt.

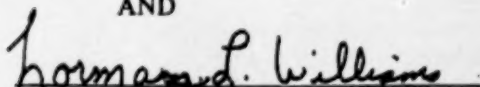
CONCLUSION

Due to the very substantial and unique federal questions involved, this Court should grant writs and address the issue of whether an accused is entitled to a fair and unbiased grand jury and whether a defendant who has pled Not Guilty and Not Guilty by Reason of Insanity is entitled to a bifurcated trial on the issues of sanity and of guilt, and, in due course, hand down a ruling quashing the Grand Jury Indictment which was improperly held and which now charges your petitioner, and, hand down a ruling which orders the District Court and the State of Louisiana to grant your defendant a bifurcated trial on the issues of sanity and guilt.

By his attorney,

MARK A. DELPHIN

AND



NORMAN L. WILLIAMS

203 W. Clarence Street

P.O. Drawer 3265

Lake Charles, Louisiana 70602

Telephone: (318) 439-2731

CERTIFICATE

**STATE OF LOUISIANA:
PARISH OF CALCASIEU:**

**BEFORE ME, personally came and appeared NORMAN
L. WILLIAMS, who deposed and said:**

1. He is counsel for defendant-relator, DANIEL AVERY TEAT, in these proceedings;
2. All allegations contained in the above and foregoing Petition for a Writ of Certiorari to the Louisiana Supreme Court are true and correct to the best of his knowledge, information and belief;
3. A copy of this Petition for a Writ of Certiorari to the Louisiana Supreme Court has been served on the Honorable Edward M. Mouser, Judge of the 33rd Judicial District Court and on the Honorable Alfred M. Ryder, District Attorney, in and for the 33rd Judicial District Court prior to filing same in the Supreme Court of the United States, by depositing same in the United States Mail, postage prepaid and properly addressed.
4. All the documents attached hereto and filed herewith are true and correct copies of the original documents filed in the records herein.

**NORMAN L. WILLIAMS
203 W. Clarence Street
P.O. Drawer 3265
Lake Charles, Louisiana 70602**

Telephone: (318) 439-2731

SWORN TO AND SUBSCRIBED before me, Notary Public,
at Lake Charles, Louisiana, on this _____ day of November,
1983.

NOTARY PUBLIC

A-1

THE SUPREME COURT OF THE STATE OF LOUISIANA

STATE OF LOUISIANA

VS

DANIEL AVERY TEAT

83-KK-1932

In Re: Daniel Avery Teat, applying for writ of Certiorari,
Mandamus and STAY ORDER, to the Third Cir-
cuit Court of Appeal, Number K83-502; 33rd
Judicial District Court, Parish of Allen, Number
CR-2863-82

September 16, 1983

Denied.

JCW
JAD
PFC
WFM
JLD
FAB
HTL

Supreme Court of Louisiana
September 16, 1983

/s/ illegible
Clerk of Court for the Court

A-2

**COURT OF APPEAL, THIRD CIRCUIT
STATE OF LOUISIANA**

**Filed June 2, 1983
/s/ Kenneth J. deBlanc Clerk**

**STATE OF LOUISIANA
VERSUS
DANIEL AVERY TEAT**

**In Re: Daniel Avery Teat
Applying for Certiorari or writ of review, to the Thirty-Third
Judicial District Court, Parish of Allen, State of Louisiana.**

**Mark A. Delphin and Norman L. Williams, Attys., Drawer
3265, Lake Charles, La. Attorneys for Applicant.**

**Alfred Ray Ryder, District Atty., Box 399 Oberlin, La.
Attorneys for Respondents.**

**August 30, 1983
Lake Charles, LA**

**WRIT DENIED: There appears to be no error in the trial
Court's ruling.**

**A TRUE COPY
Lake Charles, La. August 30, 1983
/s/ Kenneth J. deBlanc Clerk, Court of Appeal, Third Circuit.
No. K 83-502**

EXHIBIT A

LAFAYETTE PSYCHIATRIC GROUP

A Professional Medical Corporation

110 Exchange Place

Lafayette Louisiana 70503-2599

Telephone 318/233-5300

James H. Blackburn, M.D.

Jimmie D. Cole, Ph. D.

Kenneth R. Bouillion, Ph. D.

Lynn W. Aurich, Ph. D.

Luke Elliott, Jr., Ph. D.

November 29, 1982

Honorable Judge Edward M. Mouser

Allen Parish Courthouse

Oberlin, LA. 70655

RE: Daniel Avery Teat

Dear Judge Mouser:

This seventeen (17) year old caucasian male was seen for psychiatric evaluation on November 18, 1982. Mr. Teat was observed for approximately two (2) hours, thirty (30) minutes of which was a discussion between Mr. Teat and his attorney.

Throughout that period of time, it was obvious psychiatrically that Mr. Teat had a significant impairment in his ability to concentrate, difficulty in keeping his thoughts organized and related to the goal of thought, impaired memory and recall, and a significant amount of emotional turmoil compounded by a severe depression. Although he appeared to

have an intellectual understanding of his situation and an awareness of his surroundings, it did not appear that the reality of his situation had penetrated his layers of confusion. His overall appearance was that of an individual either under the influence of drugs or suffering from the residual of long term drug abuse.

Mr. Teat revealed an extensive history of drug use and abuse. He indicated that he began using alcohol and marijuana at approximately age eight (8) years and has continued to use those substances with the addition of various pills and other drugs throughout the rest of his life. During the past few years, he has used predominantly marijuana alcohol and amphetamines, although it is not unusual for him to take whatever pills or drugs presented to him, whether he knows what they are or not. He remembers very few days in the past several years during which he has not either been stoned or loaded, a state that he has achieved more recently by smoking at least three (3) to five (5) joints of marijuana a day plus four (4) to twelve (12) amphetamine pills plus two (2) to three (3) eight packs of beer. He indicates a strong urge to have alcohol available daily, and indicates significant mood changes when he is unable to obtain the amount of marijuana, alcohol or drugs necessary to maintain his state of constantly having a "buzz on". Many days and long periods of time are simply a blur to him. He indicates that many of his difficulties with the law, primarily multiple thefts, have been directly related to his attempts to obtain money to supply his drug habit. The weekends are a period of time during which he is always "stoned" and during which he routinely increases his use of alcohol, marijuana, amphetamines or whatever is available.

During the week prior to his arrest, he increased his use of marijuana and alcohol to the extent that he was able to blank out upsetting memories and thoughts. He generally

remembers his usual heavy weekend usage of these preparations, as occurring during the weekend of his alleged offense, but is vague as to the types and quantities of consumption because it is not his usual pattern to keep up with those details. He believes that he had at least three (3) eight packs of beer and two (2) or more joints of marijuana the Sunday morning prior to the incident for which he is currently incarcerated, but is unsure of the exact amount.

Further exploration of that particular period of time indicates a significant degree of confusion and vagueness concerning the events that may actually have taken place as opposed to the versions that Mr. Teat remembers. At times he seemed quite convinced that he had committed the offense, and at other times it seemed to him as though it had never happened. He denies that he would ever kill anyone or that he has ever had the intention to do so. He does state that he has thought of dying himself on many occasions and has considered killing himself to see what it would feel like to be dead. Other significant history indicates that he has had an overall rather poor adjustment in many areas of life, having a tendency to have been "in trouble" as long as he can remember. He has been involved with a considerable amount of sociopathic activity, he has had an ongoing negative sense of identity and an almost fantasy-type relationship with his real father with whom he seems to have a significant amount of anger and hatred but has not seen since he was quite young, has no impression of how he looks and has never been allowed to even see a picture of. He has always felt that everyone has been against him but has minimal awareness of how his own behavior may have contributed to those feelings.

My overall impression of Mr. Teat is that he represents a character personality disorder who's symptoms of immaturity, passive-aggressiveness, sociopathy, poor impulse

control and dependency have been potentiated by his excessive use of and abuse of drugs to the extent that he not only is confused at this point in time but presents a confusing picture diagnostically. He is significantly depressed and has a potentially high probability of attempting to harm himself when the full impact of his offense and situation register more clearly with him. He has a limited capacity to cooperate in his defense because of his distorted thought processes and his memory and concentration problems. He is able to differentiate right from wrong but at times in the past while under the influence of drugs has not adhered to the right even when he was aware that the probability he would be caught and punished was quite high. Although he is generally able to understand the nature of the offense with which he is charged and the potential consequences of conviction, it does not appear that he realizes these consequences could apply to him. It is not felt that he represents a danger to others at this time, however he does represent a significant potential for harming himself particularly after his mind clears and he has full realization of his situation.

It is recommended that Mr. Teat be observed for a significant period of time in a facility that can provide the necessary care for his depression and emotional disturbance. Such a facility should have the expertise to evaluate his mental status and processes as they hopefully begin to clear. Ideally, they should also have a knowledge of both the short and long term effects of excessive use of the various drugs he has abused. Obviously his suicidal potential should be considered and adequate provisions provided to avoid this possibility.

If you have further questions concerning this evaluation, please feel free to contact me.

Your sincerely,

A-7

LAFAYETTE PSYCHIATRIC GROUP

/s/ James H. Blackburn, M. D.
James H. Blackburn, M. D.

CC: Errol D. Deshotels
Assistant District Attorney
P.O. Box 399
Oakdale, LA 71463

Norman L. Williams
P. O. Box 3101
Lake Charles, LA 70602

Oberlin, Louisiana, March 22, 1983 at 9:00 A.M.

The Thirty Third Judicial District Court sitting in and for the Parish of Allen, State of Louisiana convened on this date with Kerry Manuel, Deputy Sheriff and Carolyn D. Deshotels, Deputy Clerk of Court in attendance:

His Honor, Edward M. Mouser, District Judge presiding:

CRIMINAL SESSION

STATE OF LOUISIANA
VS. NO. CR-2863-82
DANIEL AVERY TEAT

CHARGE: Second Degree Murder. Defendant present in court with attorney Norman L. Williams. Errol D. Deshotels, Asst. D.A. for State of Louisiana. Arraignment being set called. Objections in record by Defense attorney. Bill of Indictment read.

PLEA: Not Guilty and Not Guilty by reasons of insanity. Defense moves for a trial by jury and request that trial of April 4, 1983 be continued. Continuance granted and trial reset for April 25, 1983. Defense moves for sanity hearing.

Court appoints Dr. Herbert Nesom and Dr. James Lowry to examine defendant for sanity. Court orders all motions be filed immediately, return dates to be set.

Court orders the Sheriff of Allen Parish to transport defendant to and from Doctors office..

A TRUE AND CORRECT EXCERPT OF THE MINUTES
OF COURT MARCH 22, 1983

OBERLIN, LOUISIANA MARCH 28, 1983

/s/ Carolyn D. Deshotels
Deputy Clerk of Court

Filed October 18, 1983

STATE OF LOUISIANA
VERSUS EXHIBIT "B"
DANNY AVERY TEAT

CRIMINAL DOCKET NO. CR-2863-82
33RD JUDICIAL DISTRICT COURT
PARISH OF ALLEN, LOUISIANA

REPORT OF SANITY COMMISSION

I, THE UNDERSIGNED, being duly appointed by the, Judge of the Thirty-third Judicial District Court, Allen Parish, Louisiana, to compose the sanity commission in the above captioned matter do in accordance with the law make the following report:

A. EXAMINATION OF DEFENDANT:

Oriented to person place time went to school 10th grade- started on drugs downers 9 or 10yrs- went on daily drugs until jailed. Used all drugs & liked them. Tried to start work in welding but got back on drugs (illegible) oriented to reality but doesn't like it perfers drugs.

B. DIAGNOSIS:

Habitual drug uses - - personality defect

C. PROGNOSIS:

Poor

**IMPRESSIONS OF DEFENDANT'S
RESPONSE TO THE PERTINENT QUESTIONS**

(1) The appropriate consideration to be taken into account to determine if the defendant is "fully aware of the nature of the proceedings" are:

- a. Whether he understands the nature of the charges and can appreciate their seriousness. YES or NO
YES

COMMENT:

- b. Whether he understands what defenses are available. YES or NO
YES

COMMENT:

- c. Whether he can distinguish a guilty plea from a not guilty plea and understand the consequences of each. YES or NO
YES

COMMENT:

- d. Whether he has an awareness of his legal rights. YES or NO
YES

COMMENT:

- e. Whether he understands the range of possible verdicts and the consequences of conviction. YES or NO
YES

COMMENT:

- (2) The appropriate consideration to determine if the defendant is able to assist in his defense:
- a. Whether he is able to recall and relate facts pertaining to his actions and whereabouts at certain times. YES or NO

YES

COMMENT:

- b. Whether he is able to assist counsel in locating and examining relevant witnesses. YES or NO

YES

COMMENT:

- c. Whether he is able to maintain a consistent defense. YES or NO

YES

COMMENT:

- d. Whether he is able to listen to testimony of witnesses and inform his counsel of any distortion or mis-statement. YES or NO

NO

COMMENT:

By patient's statement he was high on drugs & has no recollection of the event

- e. Whether he has the ability to make simple decisions in response to well explained alternatives. YES or NO

YES

COMMENT:

- f. Whether he is capable of testifying in his own defense. YES or NO

NO

COMMENT:

Out of mind on drugs

- g. Whether his mental condition is apt to deteriorate under the stress of trial. YES or NO

NO

COMMENT:

- (3) What is the defendant's I. Q. ?

Average

- (4) Do circumstances indicate that because of a mental decision or defect, the defendant was incapable of distinguishing between right and wrong with reference to the conduct in question? YES or NO

COMMENT:

He denies recollection

- (5) Does defendant require commitment and/or treatment due to his mental or physical condition? YES or NO

COMMENT:

He cannot tolerate Environment with drugs available.

- (6) Does the defendant have mental capacity to proceed with his trial at present: YES or NO

A-14

YES

COMMENT:

- a. If not, will, he attain the capacity to proceed with his trial in the foreseeable future? YES or NO

COMMENT:

- (7) Is the defendant a danger to himself or to others?
YES or NO

YES

COMMENT:

Oberlin, Louisiana, this ____ day of _____, 19____

/s/ Dr. Nesom
Oberlin, La.

3/29/83 8:15 P.M.

Robert L. Thomas,
Clerk of Court
Amos Buller, Chief Deputy

DEPUTIES:
Edith R. Sonnier
Charlotte O. Dosier
Carolyn D. Deshotels
Carolyn Lott
Vicky Conner

OFFICE OF
CLERK OF COURT AND EX-OFFICIO RECORDER
THIRTY-THIRD JUDICIAL DISTRICT
ALLEN PARISH
OBERLIN, LOUISIANA 70655

October 18, 1983

Norman L. Williams
Attorney at Law
P.O. Box 3101
Lake Charles, Louisiana 70601

RE: State of Louisiana
Vs. CR-2863-82 Danny Teat

Dear Mr. Williams:

Enclosed herewith please find certified copies of the Sanity Commission Report filed October 18, 1983 in the above captioned matter. The defendant is now to be transferred to the Feliciana Forensic Facility for further examinations. Hearings are set for November 8, 1983 at 9:00 A.M.

Yours truly,
/s/ Carolyn D. Deshotels
Carolyn D. Deshotels
Deputy Clerk of Court

Oberlin, Louisiana, November 16, 1982 at 9:00 A.M.

The Thirty Third Judicial District Court sitting in and for the Parish of Allen, State of Louisiana convened on this date with Kerry Manuel, Deputy Sheriff and Carolyn D. Deshotels, Deputy Clerk of Court in attendance:

His Honor, Edward M. Mouser, District Judge presiding:

CRIMINAL SESSION

STATE OF LOUISIANA	CHARGE: Second Degree Mur-
VS. NO. CR-	der. Defendant present in court
DANIEL AVERY TEAT	with counsel Norman L. Willi-
	ams, for 72 hours hearing.
	Errol D. Deshotels Asst. Dis-
	trict attorney present. Defense
	attorney request a copy of the
	warrant. Ordered. Defense at-
	torney request a sanity hearing.
	Court ordered, Defendant be ex-
	amined by Dr. James Lowry,
	Parish Coroner and Dr. Jimmy
	Storer. Arraignment set for Fri-
	day, November 19, 1982

A TRUE AND CORRECT EXCERPT OF THE MINUTES
OF COURT NOVEMBER 16, 1983

OBERLIN, LOUISIANA, MARCH 21, 1983

/s/ Carolyn D. Deshotels
Deputy Clerk of Court

Oberlin, Louisiana November 19, 1982 at 9:00 A.M.

The Thirty Third Judicial District Court sitting in and for the Parish of Allen, State of Louisiana, convened on this date with Kerry Manuel, Deputy Sheriff and Carolyn D. Deshotels, Deputy Clerk of Court in attendance:

His Honor, Edward M. Mouser, District Judge presiding:

CRIMINAL SESSION

STATE OF LOUISIANA	CHARGE: Second degree murder. Defendant present in court with counsel Norman L. Williams for defendant. Errol D. Deshotel for State. Charge read.
VS. NO. CR-2863-82	PLEA: Not Guilty and Not Guilty by reasons of insanity. Defense moves for a trial by jury. State sets trial for January 10, 1983. Sanity hearing set for December 1, 1982. Defendant to be examined by Dr. Blackburn of Lafayette and Dr. James Lowry of Kinder, La.
DANNY AVERY TEAT	

A TRUE AND CORRECT EXCERPT OF THE MINUTES OF COURT NOVEMBER 19, 1982. . .

OBERLIN, LOUISIANA MARCH 21, 1983

/s/ Carolyn D. Deshotels
Deputy Clerk of Court

Oberlin, Louisiana, December 2, 1982 at 9:00 A.M.

The Thirty Third Judicial District Court sitting in and for the Parish of Allen, State of Louisiana convened on this date with Kerry Manuel, Deputy Sheriff and Carolyn D. Deshotels, Deputy Clerk of Court in attendance.

His Honor, Edward M. Mouser, District Judge presiding:

CRIMINAL SESSION

STATE OF LOUISIANA	CHARGE: Second degree murder. Defendant present in court with counsel Norman L. Williams. Errol D. Deshotels for State. Court orders defendant be transported to the East Louisiana Forensic Facility in accordance with the Bennett Case. Court orders copies of the reports of Dr. James Lowry and Dr. Blackburn in evidence be mailed to the facility. Defendant to be held there, examined then returned to Allen Parish.
VS. NO. CR-2863-82	
DANNY AVERY TEAT	

A TRUE AND CORRECT EXCERPT OF THE MINUTES
OF COURT DECEMBER 2, 1982

OBERLIN, LOUISIANA, MARCH 21, 1983

/s/ Carolyn D. Deshotels
Deputy Clerk of Court

Oberlin, Louisiana, January 10, 1983 at 9:00 A.M.

The Thirty Third Judicial District Court sitting in and for the Parish of Allen, State of Louisiana convened on this date with Kerry Manuel, Deputy Sheriff and Carolyn D. Deshotels, Deputy Clerk of Court in attendance:

His Honor, Edward M. Mouser, District Judge presiding:

CRIMINAL SESSION

STATE OF LOUISIANA CHARGE: Second degree murder. Trial continued until February 21, 1983. Defendant in VS. NO. CR-2863-82 DANNY AVERY TEAT East Louisiana State Hospital

A TRUE AND CORRECT EXCERPT OF THE MINUTES OF COURT JANUARY 10, 1983

OBERLIN, LOUISIANA, MARCH 21, 1983

/s/ Carolyn D. Deshotels
Deputy Clerk of Court

Oberlin, Louisiana, February 21, 1983 at 9:00 A.M.

The Thirty Third Judicial District Court sitting in and for the Parish of Allen, State of Louisiana convened on this date with Kerry Manuel, Deputy Sheriff and Carolyn D. Deshotels, Deputy Clerk of Court in attendance:

His Honor, Edward M. Mouser, District Judge presiding:

CRIMINAL SESSION

STATE OF LOUISIANA CHARGE: Second degree murder. On motion of Norman L. Williams, counsel for defendant
VS. NO. CR-2863-82
DANNY AVERY TEAT trial continued to April 4, 1983. . .

A TRUE AND CORRECT EXCERPT OF THE MINUTES
OF COURT FEBRUARY 21, 1983

OBERLIN, LOUISIANA MARCH 21, 1983

/s/ Carolyn D. Deshotels
Deputy Clerk of Court

Oberlin, Louisiana, March 1, 1983 at 9:00 A.M.

The Thirty Third Judicial District Court sitting in and for the Parish of Allen, State of Louisiana convened on this date with Kerry Manuel, Deputy Sheriff and Carolyn D. Deshotels, Deputy Clerk of Court in attendance:

His Honor, Edward M. Mouser, District Judge presiding:

CRIMINAL SESSION

STATE OF LOUISIANA	CHARGE: Second degree murder. Defendant present in court with counsel Norman L. Williams for sanity hearing. John A. Duck, Jr. for State. Reports of East Louisiana, Forensic Facility in evidence by State. Court rules defendant is ready for trial. Defense counsel files Motion to Quash, Motion to Release Defendant without bail, Motion for Preliminary hearing, Motion for bill of particular and Motion to suppress. All motions fixed for March 22, 1983.
VS. NO. CR-2863-82	
DANNY AVERY TEAT	

A TRUE AND CORRECT EXCERPT OF THE MINUTES OF COURT MARCH 1, 1983.

OBERLIN, LOUISIANA, MARCH 21, 1983.

/s/ Carolyn D. Deshotels
Deputy Clerk of Court

Oberlin, Louisiana, March 17, 1983 at 3:00 P.M.

Thirty Third Judicial District Court sitting in and for the Parish of Allen, State of Louisiana convened on this date with Kerry Manuel, Deputy Sheriff and Robert L. Thomas, Clerk of Court in attendance:

His Honor, Edward M. Mouser, District Judge presiding:

CRIMINAL SESSION

GRAND JURY RETURNED AT 3:02 P.M. WITH THE FOLLOWING REPORT.

To the Honorable Judge of the Thirty Third Judicial District Court sitting in and for Allen parish, Louisiana

We the Grand Jury of the Parish of Allen, State of Louisiana composed of: Sam Edward Bufkin, Foreman; Mrs. Cleveland Norris Smith, Clerk; Terry Darbonne; Simoen Barney Doise; Earline J. Moton; Sybil T. Johnson; Clifton Tyler; Mrs. Ruth C. Stapes Aldin John Pelican; Edward Darbonne; Paul E. Barnaby and Ervin Joseph Guillory, absent, having been duly and legally empaneled on the 5th day of January, 1983 and having been duly and legally charged by this Honorable Court as to our procedure and power and duty, we assemble under the order of this Court on the 17th day of March, 1983, to proceed with our deliberation and accordance with law.

We beg to report that there were 2 cases presented to us for examination; and we beg to report and return herewith the following: 2 True Bills; 0 Not a True Bill; 0 pretermitted.

Done and signed this 17th day of March, 1983, /s/ Sam E. Bufkin, Foreman /s/ Mrs. Cleveland N. Smith, Clerk . . .

STATE OF LOUISIANA	CHARGE: Second Degree Mur-
VS. NO. CR-2863-82	der. A true bill of indictment
DANNY AVERY TEAT	filed. .

A TRUE AND CORRECT EXCERPTS OF THE MINUTES
OF COURT MARCH 17, 1983. .

OBERLIN, LOUISIANA, MARCH 21, 1983

/s/ Carolyn D. Deshotels
Deputy Clerk of Court

Oberlin, Louisiana, March 22, 1983 at 9:00 A. M.

The Thirty Third Judicial District Court sitting in and for the Parish of Allen, State of Louisiana convened on this date with Kerry Manuel, Deputy Sheriff and Carolyn D. Deshotels, Deputy Clerk of Court in attendance:

His Honor, Edward M. Mouser, District Judge presiding:

CRIMINAL SESSION

STATE OF LOUISIANA

VS. NO. CR-2863-82

DANIEL AVERY TEAT

CHARGE: Second Degree Murder. Defendant present in court with attorney Norman L. Williams. Errol D. Deshotels, Asst. D. A. for State of Louisiana. Arraignment being set called. Objections in record by Defense attorney. Bill of Indictment read. PLEA: Not Guilty and Not Guilty by reasons of insanity. Defense moves for a trial by jury and request that trial of April 4, 1983 be continued. Continuance granted and trial reset for April 25, 1983. Defense moves for sanity hearing. Court appoints Dr. Herbert Nesom and Dr. James Lowry to examine defendant for sanity. Court orders all motions be filed immediately, return dates to be set.

Court orders the Sheriff of Allen

A-25

Parish to transport defendant
to and from Doctors office. .

A TRUE AND CORRECT EXCERPT OF THE MINUTES
OF COURT MARCH 22, 1983

OBERLIN, LOUISIANA MARCH 28, 1983

/s/ Carolyn D. Deshotels
Deputy of Clerk of Court

Oberlin, Louisiana, May 20, 1983 at 9:00 A.M.

The Thirty Third Judicial district Court sitting in and for the Parish of Allen, State of Louisiana convened on this date with Kerry Manuel, Deputy Sheriff and Carolyn D. Deshotels, Deputy Clerk of Court in attendance:

His Honor, Edward M. Mouser, district Judge presiding:

CRIMINAL SESSION

STATE OF LOUISIANA

VS. NO. CR-2863-82

DANNY AVERY TEAT

CHARGE: Second Degree Murder. Defendant present in court with counsel Norman Williams. Mark Delphin enrolls as co-counsel with Mr. Williams for defendant. Errol D. Deshotels, Asst. District Attorney present. Defense counsel moves for a continuance on trial of May 23, 1983. Granted by court trial reset for July 18, 1983 at 9:00 A.M. New Motions filed by defense counsel. Motion to Quash and Motion for Bifurcated trial on the issues of Not guilty and Not Guilty by reasons of insanity. . . .

Argument heard on Motion to Quash filed March 3, 1983, Motion denied. Objections in record. Motion to release defendant, arguments heard, Motion denied, Objections in record.

Motion for Preliminary hearing and Motion Suppress set for June 20, 1983 at 9:00 A. M. Motion for Speedy trial filed December 17, 1982, has been previously granted, along with motion to extend time. Motions filed April 14, 1983 arguments heard. Motion to view Video set for Thursday, May 26, 1983 at 9:00 A. M. Motion to fix bail granted. Motion for Speedy trial. Trial fixed for July 18, 1983. Motion to request State to Produce Addresses of Grand Jury, Answered by State and in record. Motions of April 19, 1983, Motion to Quash Grand Jury indictment, arguments heard. Taken under advisement, objections in record by defendant. Motion for release def. under La. Code of Criminal procedure, Sect. 701, Denied, Objections in record by Def. Motion for Production of evidence, Set for May 26, 1983 Motion for Discovery and Inspection set for May 26, 1983. Motions filed May 20, 1983. . . . Motion for Bifurcated trial, Denied, Objections in record. Motion to Quash filed May 20, 1983 denied, objections in record. State offers Minutes of Nov. 16, 1982, Nov. 19, 1982, Dec. 2, 1982; Jan. 10, 1983, Feb. 21, 1983, March 1, 1983, March 17, 1983, March 22, 1983 and May 20, 1983. Return on Sanity Commission report and hearing set for June 1, 1983 at 9:00 A. M. . . .

A true and correct excerpt of the minutes of court May 20, 1983. . . .

OBERLIN, LOUISIANA, May 26, 1983

/s/ Carolyn D. Deshotels
Deputy Clerk of Court

Oberlin, Louisiana, May 26, 1983 at 9:00 A. M.

The Thirty Third Judicial district court sitting in and for the Parish of Allen, State of Louisiana convened on this date with Kerry Manuel, Deputy Sheriff and Carolyn D. Deshotels, deputy clerk of court in attendance:

His Honor, Edward M. Mouser, District Judge presiding:

CRIMINAL SESSION

STATE OF LOUISIANA

VS. NO. CR-2863-82

DANNY AVERY TEAT

CHARGE: Second Degree Murder. Counsel for defendant, Mark Delphin present for defendant. . Errol D. Deshotels for State of Louisiana. Court rules on all motions. Motion to Quash, Denied. Motion for Speedy trial, denied. Defense counsel request Writs to Third Circuit. Court orders writs due to third circuit in Seven (7) days. New Motions filed. Motion for production of exculpatory or inculpatory oral, written or recorded statements and Objection to answer to motion for discovery and inspection filed by defense counsel. Hearing on motions set for May 31, 1983 at 9:00 A. M.

A TRUE AND CORRECT EXCERPT OF THE MINUTES

A-29

OF COURT MAY 26, 1983.

OBERLIN, LOUISIANA, May 26, 1983

/s/ Carolyn D. Deshotels
Deputy Clerk of Court

STATE OF LOUISIANA
VS. NO. CR-2863-82
DANIEL AVERY TEAT

33RD JUDICIAL DISTRICT
COURT
PARISH OF ALLEN
STATE OF LOUISIANA

FILED _____

Deputy Clerk

MOTION TO QUASH GRAND JURY INDICTMENT

Defendant, DANIEL AVERY TEAT, through undersigned counsel, moves the Court to quash the grand jury indictment for the following reasons, to-wit:

1.

Your defendant, DANIEL AVERY TEAT, has been deprived of his right to a fair grand jury proceeding in that the State of Louisiana, through the District Attorney for the Parish of Allen, knowing full well that your defendant, DANIEL AVERY TEAT, was represented by undersigned counsel, failed or refused to notify the defense that the case was to be presented to the grand jury strictly for the purpose of curing a procedural deficiency without any benefit of same and to the detriment of the defendant, DANIEL AVERY TEAT, all without regard to the rights of the defendant, DANIEL AVERY TEAT, being innocent until proven guilty. By failing to notify the defense of this proceeding, said act or omission amounted to prosecutorial misconduct or prosecutorial indiscretion, which deprived your defendant, DANIEL AVERY TEAT, the opportunity to present favorable or exculpatory evidence to the grand jury.

2.

On information and belief, your defendant, DANIEL AVERY TEAT, alleges that the said indictment should be quashed on the ground that the State of Louisiana through the District Attorney, failed to present and/or failed to make a diligent effort to present favorable or exculpatory evidence to the grand jury thereby excluding the possibility that the said grand jury may have returned an indictment of a lesser crime or may not have returned an indictment at all.

This prosecution should be quashed on the further ground that the defendant, DANIEL AVERY TEAT, had been continued in custody since November 13, 1982 to March 17, 1983, a period in excess of 120 days, charged with Second Degree Murder, a crime which requires a grand jury indictment. Said grand jury indictment was not returned until March 17, 1983. Said failure of the State of Louisiana to indict your defendant, DANIEL AVERY TEAT, within 120 days amounted to prosecutorial indiscretion and/or misconduct as said period of confinement exceeded the maximum period of confinement under Louisiana Code of Criminal Procedure, Article 701, within which an indictment could be filed.

WHEREFORE, defendant, DANIEL AVERY TEAT, prays that this Court order the State of Louisiana to show cause on a date fixed by this Court why the foregoing Motion should not be granted.

By his attorney,

/s/ Norman L. Williams
NORMAN L. WILLIAMS
203 West Clarence Street

A-32

P.O. Drawer 3265
Lake Charles, Louisiana 70602
Telephone: (318) 439-2731

ORDER

Considering the foregoing Motion, it is ordered that the State of Louisiana show cause on the ____ day of ____, 1983, at ____ o'clock ____ M Why the Motion should not be granted.

Oberlin, Louisiana, this ____ day of April, 1983.

DISTRICT JUDGE

Please serve the Allen Parish District Attorney, Alfred Ray Ryder, Allen Parish Courthouse, Oberlin, Louisiana.

STATE OF LOUISIANA
VS. NO. CR.-2863-82
DANIEL AVERY TEAT

33RD JUDICIAL DISTRICT
COURT
PARISH OF ALLEN
STATE OF LOUISIANA

FILED _____

Deputy Clerk

MOTION FOR BIFURCATED TRIAL ON THE ISSUES
OF NOT GUILTY AND NOT GUILTY BY REASON OF
INSANITY

NOW INTO COURT, through undersigned counsel, Norman L. Williams, comes defendant, DANIEL AVERY TEAT, who, pursuant to the Due Process Clause of the United States and Louisiana Constitutions and under the laws of the State of Louisiana, moves that Court to order a bifurcated trial wherein the issues of not guilty and not guilty by reason of insanity shall be determined separately, for the following reasons:

1.

Your defendant, DANIEL AVERY TEAT, who has pled not guilty and not guilty by reason of insanity to the charge of Second Degree Murder shall be irreparably prejudiced and deprived of substantial constitutional rights, including, but not limited to, the right to due process, the right to prepare a defense, and the right to a fair trial (s), if he is forced to defend himself on the issue of his not being guilty because of the State's failure to prove their case beyond a reasonable doubt if in truth and fact he is obligated to present evidence in the same proceeding wherein he has the burden of proving the fact that he is not guilty by reason of insanity, because of his lack of sanity by a preponderance of the evidence.

The two defenses as previously pled by the defendant, DANIEL AVERY TEAT, may possibly be mutually exclusive defenses, which would necessitate the granting of this Motion for a Bifurcated Trial on the issues separately and/or if not considered by this Court to be mutually exclusive defenses, then the defendant, DANIEL AVERY TEAT, in properly presenting the necessary evidence to prove his lack of sanity at the time of the commission of the crime would be impaled by the same *Sword* that he has thusfar and will in the future rely upon as a *Shield*, which complexity of issues dictates separate trials as to the issues of Not Guilty and Not Guilty by Reason of Insanity.

WHEREFORE, defendant, DANIEL AVERY TEAT, requests that the District Attorney for the State of Louisiana show cause at a date and at a particular hour to be fixed by this Honorable Court, why the defendant, DANIEL AVERY TEAT, should not be allowed to defend the charge in separate proceedings.

By his attorney,

NORMAN L. WILLIAMS
203 West Clarence Street
P.O. Drawer 3265
Lake Charles, Louisiana 70602
Telephone: (318) 439-2731

ORDER

Considering the foregoing Motion, it is ordered that the State of Louisiana show cause on the _____ day of _____, 1983, at _____ o'clock _____ M., why the foregoing Motion should not be granted.

A-35

Oberlin, Louisiana, this _____ day of _____, 1983.

DISTRICT JUDGE

Please serve the Allen Parish District Attorney, Alfred Ray
Ryder, Allen Parish Courthouse, Oberlin, Louisiana.